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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/774,641 | 02/01/2001 | Noriyuki Tanimoto | P63215US1 | 8750 |
| 136 | 7590 | 07/13/2004 | EXAMINER | |
| JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004 | | | WARDEN, JILL ALICE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1743 | |

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,641

Applicant(s)

TANIMOTO ET AL.

Examiner

Jill A. Warden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 30, 2004 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's claims are replete with grammatical and clarity problems. There is also some redundancy. Examiner suggests amendments to the claims to clarify the issues and place the application in condition for allowance. Examiner proposes to cancel claims 6 and 10 and rewrite claims 5, 7-9 and 11-13 as new claims 20-26 which are set forth as follows:

Claim 20. A method for heat-decomposing a sample comprising organics, comprising the steps of :

Setting up the sample in a heat-decomposing appliance comprising, in the absence of a firing means:

a) a heating section in the form of an axially aligned tube, open at only one of two opposing axial ends, having a length between said opposing axial ends of at least

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10 cm and being molded of material that withstands (i) corrosive gases, (ii) oxidative corrosion, and (iii) heating to a temperature of at least 600 C; and

b) an introducing section that cooperates with the open end of said tube to seal the open end and, thereby, close said heating tub for heat decomposition when containing organic components, said introducing section including means for introducing liquid through said introducing section into said heating tube when closed;

heating of said appliance being effected only by external means, said appliance containing no source of heat;

filling up the appliance with oxygen and closing the appliance, then heating the appliance to decompose the organics into testing components, followed by cooling the appliance, and thereafter introducing an absorbing liquid into said heat-decomposing appliance to absorb the testing components produced in said sample,

comprising an appliance-installing section to install said closed heat-decomposing appliance and a moving means to reversibly move said closed heat-decomposing appliance installed at said appliance-installing section to said heating means.

Claim 21. The method of claim 20 for heat-decomposing a sample and dissolving testing components produced, said device further comprising

cooling means to cool the heat-decomposing appliance after heat-decomposition of the sample in said heat-decomposing appliance, injecting means to inject the absorbing liquid into said cooled heat-decomposing appliance, mixing means to stir and/or shake for making the absorbed liquid in said heat-decomposing appliance uniform, and moving means to reversibly move said heat-decomposing appliance from an appliance-installing section of any of said heating means, cooling means, injecting means or mixing means.

Claim 22. The pretreatment method of claim 21 further comprising stirring or shaking said heat-decomposing appliance to make said absorbed liquid in the heat-decomposing appliance uniform.

Claim 23. The pretreatment method of claim 21 further comprising analyzing the testing components, the device further comprising analytical means to analyze the testing components in the absorbing liquid and moving means to sample the absorbing liquid inside the heat-decomposing appliance, and moving a sample of the absorbing liquid to said analytical means.

Claim 24. The pretreatment method of claim 23, wherein said device further comprises a wash device containing:

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- c) a needle pipe for injecting absorbing liquid into the heat-decomposing appliance,
- d) a motor buret,
- e) a switchable valve with actuator,
- f) a washing port to wash the needle pipe, and
- g) means for moving the needle pipe to pierce packing or a septum of the introduction section of the heat-decomposing appliance and, then, move the needle pipe to the washing port.

25. The method of claim 23, wherein said mixing means comprises means to reciprocate the heat-decomposing appliance in the axial direction while axially rotating the heat-decomposing appliance horizontally.

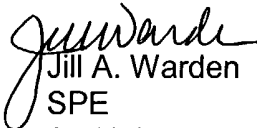
26. The method of claim 23, wherein said moving means comprises a cross type motor robot with a mechanical hand or a mechanical hand and cross type motor robot with axis for rotating it.

Allowable Subject Matter

Claims 5, 7-9 and 11-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Reasons for allowance of these claims was given in the final Office action mailed June 30, 2003.

Conclusion

Any inquiry concerning this communication should be directed to Jill A. Warden at telephone number (571) 272-1267.


Jill A. Warden
SPE
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